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B. E. P. Q. 566 Effective March 6, 1948

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESEARCH ADMINISTRATION
BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

MEXICAN FRUITFLY PERMIT REQUIREMENTS PARTIALLY WAIVED FOR LOT SHIPMENTS OF CITRUS FRUITS

Introductory Note

In the regulations supplemental to Notice of Quarantine No. 64 on account of the Mexican fruitfly (7 CFR, 1945 Supp., 301.64 to 301.64-7, incl.), § 301.64-3 (a), among other requirements, states that "grapefruits, oranges, and other citrus fruits, except lemons and sour limes, shall not be moved interstate from a regulated area unless every crate, box, or other container of such host fruits has attached a valid shipping permit. In addition to the shipping permit every shipment of six or more crates, boxes, or other containers of citrus fruits moved interstate shall be accompanied by a master permit * * *." Provision is made in the quarantine for the issuance of administrative instructions by the Chief of the Bureau of Entomology and Plant Quarantine to modify the restrictions of the regulations when such action may be taken without risk of spread of the Mexican fruitfly.

It has been found that the number of individual containers to be shipped from the regulated area this year requires a reconsideration of the permit requirements for each such container. For the purpose of keeping the certificate requirements within reasonable limits, it is necessary to modify, for part at least of the present shipping season, the requirement that every container in shipments of six or more containers shall have attached a valid shipping permit. During this period such a lot shipment will be considered adequately covered by permit if accompanied only by the master permit. Natural conditions are such that this limited modification of permit requirements will not be attended by risk of spreading infestation.

In order to be of maximum benefit in conserving certificates, it is necessary that this modification be effected at once. For this reason it is found upon good cause, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), that notice and public procedure on these instructions are unnecessary, impracticable, and contrary to the public interest. Inasmuch as these instructions relieve restrictions heretofore imposed, they are within the exception in section 4 (c) of the Administrative Procedure Act and may properly be made effective less than 30 days after their publication in the Federal Register.

§ 301.64-3g Administrative instructions partially modifying permit requirements for interstate movement of lot shipments of citrus fruit from the regulated area. Having determined, pursuant to the second provision in the quarantine in 7 CFR 1945 Supp. 301.64, that such action may be taken without

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risk of spread of the Mexican fruitfly, the Chief of the Bureau of Entomology and Plant Quarantine hereby modifies by waiving, until further notice, but not beyond the end of the 1948 citrus fruit shipping season, the requirement contained in § 301.64-3 (a) of the regulations supplemental to said quarantine, that a shipping permit shall accompany each container in shipments of six or more containers, such waiver to be effective March 6, 1948. A master permit accompanying each such lot shipment will be deemed adequate.

(Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U. S. C. 161; 7 CFR, 1945 Supp., § 301.64-3 (a).)

Done at Washington, D. C., this 26th day of February 1948.

P. N. ANNAND
Chief, Bureau of Entomology and
Plant Quarantine